

Joseph H. Harrington
Acting United States Attorney
Eastern District of Washington
Alison L. Gregoire
Assistant United States Attorney
Post Office Box 1494
Spokane, WA 99210-1494
Telephone: (509) 353-2767

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
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SEAN F. McAVOY, CLERK
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SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES PATRICK WERTMAN,

Defendant.

4:21-CR-6024-SMJ

INDICTMENT

Vio.: 18 U.S.C. § 2251(a), (e)
Production of Child Pornography
and Attempt
(Counts 1 and 2)

18 U.S.C. § 2252A(a)(5)(B), (b)(2)
Possession of Child Pornography
(Count 3)

18 U.S.C. § 2253
Forfeiture Allegations

The Grand Jury charges:

COUNT 1

Beginning on or about December 16, 2020, and continuing until on or about January 6, 2021, in the Eastern District of Washington, the Defendant, JAMES PATRICK WERTMAN, did knowingly employ, use, persuade, induce, entice, and coerce any individual who had not attained the age of 18 years, to engage in sexually explicit conduct, for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be

INDICTMENT - 1

1 transported and transmitted, using any means and facility of interstate and foreign
2 commerce, and in and affecting interstate and foreign commerce; such visual
3 depiction was produced and transmitted using materials that had been mailed,
4 shipped and transported in and affecting interstate and foreign commerce; and such
5 visual depiction was actually transported and transmitted, using any means and
6 facility of interstate and foreign commerce, and in and affecting interstate and
7 foreign commerce, and did attempt the same, all in violation of 18 U.S.C. §
8 2251(a), (e).

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COUNT 2

Beginning on or about August 20, 2018, and continuing until on or about
September 4, 2018, in the Eastern District of Washington, the Defendant, JAMES
PATRICK WERTMAN, did knowingly employ, use, persuade, induce, entice, and
coerce any individual who had not attained the age of 18 years, to engage in
sexually explicit conduct, for the purpose of producing a visual depiction of such
conduct, knowing and having reason to know that such visual depiction would be
transported and transmitted, using any means and facility of interstate and foreign
commerce, and in and affecting interstate and foreign commerce; such visual
depiction was produced and transmitted using materials that had been mailed,
shipped and transported in and affecting interstate and foreign commerce; and such
visual depiction was actually transported and transmitted, using any means and
facility of interstate and foreign commerce, and in and affecting interstate and
foreign commerce, and did attempt the same, all in violation of 18 U.S.C. §
2251(a), (e).

COUNT 3

On or about March 3, 2021, in the Eastern District of Washington, the
Defendant, JAMES PATRICK WERTMAN, did knowingly possess material
which contained one or more visual depictions of child pornography, as defined in

1 18 U.S.C. § 2256(8)(A), including images of prepubescent minors and minors who
2 had not attained twelve years of age, the production of which involved the use of a
3 minor engaging in sexually explicit conduct, and which visual depictions were of
4 such conduct; that had been mailed, shipped and transported in interstate and
5 foreign commerce, and which were produced using materials that had been mailed,
6 shipped and transported in interstate or foreign commerce, by any means including
7 computer, all in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2).

8 NOTICE OF FORFEITURE ALLEGATIONS

9 The allegations contained in this Indictment are hereby realleged and
10 incorporated by reference for the purpose of alleging forfeitures.

11 Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of
12 18 U.S.C. § 2251, as charged in Counts 1 and 2, and/or upon conviction of an
13 offense in violation of 18 U.S.C. § 2252A, as charged in Count 3, of this
14 Indictment, the Defendant, JAMES PATRICK WERTMAN, shall forfeit to the
15 United States any visual depiction described in section 2251, 2251A, 2252, 2252A,
16 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape,
17 or other matter which contains any such visual depiction, which was produced,
18 transported, mailed, shipped or received in violation of this chapter; any property,
19 real or personal, constituting or traceable to gross profits or other proceeds
20 obtained from such offenses; and, any property, real or personal, used or intended
21 to be used to commit or to promote the commission of such offenses, or any
22 property traceable to such property. The property to be forfeited includes, but is
23 not limited to:

- 24 - iPad serial number GG7Z244XJF8J
- 25 - iPhone serial number C39WP038JCLN

26 If any of the property described above, as a result of any act or omission of
27 the Defendant:
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- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b).

DATED this 2 day of June, 2021.

A TRUE BILL


Joseph H. Harrington
Acting United States Attorney


Alison L. Gregoire
Assistant United States Attorney